

REMARKS

At the outset, applicants thank Examiner Forman for her time and consideration of the present application during the discussions relating to this application. It is believed that the present amendment overcomes these issues and places the application in condition for allowance.

Claims 34-35, 38-44 and 46 are pending in the present application. Independent claims 43, 44 and 46 were free of prior art in the outstanding Official Action. Dependent claims 34-35 and 38-42 have been amended so that they are now dependent on claim 43. Independent claims 43, 44 and 46 have been amended merely to address the formal matters raised in the outstanding Official Action.

In addition, claims 43 and 44 have been amended so that the references to the "cleavable" embodiments have been removed for the sake of clarity. Independent claims 43 and 44 characterize the "two padlock probe" embodiment. Thus, the unneeded recitations directed to the "cleavable" embodiments have been removed to prevent any confusion. Claim 46 relates to the cleavable embodiment and has had the dissociable embodiment removed for purposes of clarity. Thus, while independent claims 43, 44 and 46 have been amended, applicant respectfully requests that the amendment be entered and that the changes to the claims are only of a formal nature.

Claims 43-46 were rejected under 35 USC 112, second paragraph, for allegedly being indefinite. The Official Action objected to the terms "(padlock)" and "(or de-connected)". This information was presented in this format to help the understanding of the reader. However, the claims have been amended so that this information is no longer provided in the parentheses.

Claims 33 and 38-42 were rejected under 35 USC 102(b) as allegedly being anticipated by KWIATKOWSKI. Claims 34-35 and 42 were rejected under 35 USC 103(a) as allegedly being unpatentable over KWIATKOWSKI in view of URDEA et al. Applicant believes the present amendment overcomes this rejection.

As noted above, independent claims 43, 44 and 46 remain in the application. Independent claims 43, 44 and 46 were found to be free of prior art. Claims 34-35 and 38-42 have been amended so that they are dependent on claims 43 and 44, respectively. Accordingly, applicant believes the present amendment obviates this rejection.

Claims 34-35 and 38-46 were rejected on the grounds of non-statutory obviousness-type double patenting as allegedly being unpatentable over claims 1-16 and 20 of U.S. Patent No. 6,558,928 in view of URDEA et al. Applicant believes that the present amendment overcomes this rejection.

Applicant submits herewith a terminal disclaimer that obviates this rejection.

Thus, applicant respectfully requests that the double patenting rejection be withdrawn.

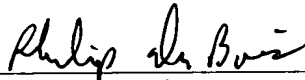
In view of the present amendment and the foregoing remarks, therefore, applicant believes that the present application is in condition for allowance at the time of the next Official action. Allowance and passage to issue on that basis is respectfully requested.

Please charge the disclaimer fee of \$130 for the Terminal Disclaimer being filed herewith to Deposit Account No. 25-0120.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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APPENDIX:

The Appendix includes the following item:

- Terminal Disclaimer